P.7-40-00

G. R. S. IX-5]

Previous references. 1896-97

192 .

File No.

(S14.)

Serial No

Later references.
S14.59.00.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4.

In ~~Part~~ B for May 1899.

SUBJECT.

Retirement of officials after the age of

To from

The First asst: to the Resident.

No - 2784 D. 12. 6. 1901.

Stating that the subject of Special report in case may be reported to the Heads of Department.

WD 2293—GPB—20,000—14-6-20

Concurred
M Indexed

Subject 1 File No. 400 of 900-901 Section II

Re The retirement of Officials after the age of 55 years.

TABLE OF CONTENTS.

Serial No.	Communication No.	Date	From or to whom	Subject in abstract
1.	9050-82 P+A 1105	10.11.97	G.O. To all the Heads of Depts — Heads of Distt-	Delegating to Hds of Departts the power to permit a subordinate's service after the age of fifty five
2	279 618	18-11.99	From the D. C. Shimoga	Requesting that Hds of Departments may be allowed the power to make subordinates compulsorily retire after the 55 years' rule
3.	13118-156 P+A 1104.	17.V.99	G.O. To all the Heads of Depts D. C. of Distt-	Stating that no modification of the existing rules is called for

Subject

File No.

TABLE OF CONTENTS.

Serial No.	Comp. No.	Date	From or to whom	Subject in abstract
4	6073	30.xi.99	From the Chief Engineer of Ivy Zone	enquiring what orders have been passed re the practice of sending men over 55 ~~befo~~ to a Doctor before extension is granted
5	10551/1016	16.ii.07	To the Chief Engineer	Stating that the question is still under the consideration of Govt
6	934	21.ii.07	From do	Enquiring what are the existing rules on the subject of superannuation at the age of 55

File No. 3

Subject

Table of Contents.

Serial No.	Communication No.	Date	From or to whom	Subject in abstract
7	12172-23 / Pta 1175	13.III.09	G. Order - To the Chief Engineer	Stating that existing rules dispense with medl certificates after 55, fitness after that age being certified by official superiors.
8	262 / 2428	1.V.09	From the Secy. P.W.D. —	Transferring certain papers for favour of disposal of Govt's orders of 11-4-07. re continuance of medl Examination after the age of 55

Please turn over

File No. 4

Subject

Table of Contents.

Serial No.	Communication No.	Date	From or to whom	Subject in abstract
9	15-948 P/5587	31.V.09	To. The F. A. G the Residency Mysore	Enquiring how fitness or unfitness is determined after the age of 55 in Br India.
10	2884	12.VI.09	From. The F. A. G the Resident.	Referring to art 503 of the Civil service Regulations of Brit India

1896-97

GOVERNMENT OF MYSORE

GENERAL

PROCEEDINGS

Dated 10*th February* 1897

No. 9050-82 / P. & A. 1105

Delegating to the Heads of Departments and other Officers named the power specified in clause (1) of Article 309 of the Mysore Service Regulations.

M.G.C.P.B.—17-2-97—250

READ —

Letter No. 2806—124, dated 13th November 1896, from the Registrar of the Chief Court of Mysore.

No. 9050-82—P. & A. 1105, DATED, BANGALORE, 10TH FEBRUARY 1897.

ORDER THEREON.—Under the provisions of Article 309 of the Mysore Service Regulations, Government are pleased to delegate to the Heads of Departments and other Officers named below the power, specified in clause (1) of that Article, of declaring any non-gazetted subordinates of their respective departments, who have attained the age of 55 years, to be efficient and of permitting them to remain in the service for a definite period up to, but not beyond, the age of 60 years. It is desirable that the extension of time so granted shall not exceed one year at a time and be repeated only when the subordinate continues efficient.

Registrar, Chief Court.
Military Secretary.
Inspector General of Police.
Do Prisons.
Do Registration.
Do Education.
Conservator of Forests.
Comptroller to the Government.
Chief Engineer.
Deputy Commissioners of Districts.
Superintendent, Revenue Survey.
Do Inam Settlements.
Do Government Press.
Do Muzrai Department.
Excise Commissioner.
Officer in charge, Amrut Mahal Department.
State Geologist.
Senior Surgeon and Sanitary Commissioner.
Director of Archæological Researches.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—All Heads of Departments.
The Deputy Commissioners of Districts.

Exd.—H.A.R.

In Medical certificates of infirmness + Sanct. S + A 1896 letter Subd Proceedings.

Fin 1/5/99

G.m 106-96 - 1052

Subd. Secy. to record the certificate if necessary in the case - an official superannuated under the 55-year-rule in the case of such an official the Govt. is satisfied here on the spot after personal interview with the Head of the Dept. - has empowered to shorten the course of his unfitness for further service to obtain the orders of Govt. power to compulsorily retire such officials without previously obtaining the Govt. orders appears to have been reserved in the hands of Govt. A.K. 6/5

I am of the same opinion & I cannot consider any modification of the Rules necessary.

Subd Secy. 6/5/99

11250 5-5-99

× × 1 copy

This portion may be embodied in an order ready of Govt's letter on attd. file. 6/5/99

Sra 1093.

OFFICE OF THE DEPUTY COMMISSIONER 9093 24 1898 1899

From The Deputy Commissioner Shimoga District

To The Secretary to the Govt. of Mysore, General and Rev: Departments

Dated 18th April 99.

Despatched 21st

Received

General No. 779

No. 618

Enclosure No.

Proposing with reference to Govt order No. 9050-82 P.W. 1105 dated 10th February 89 certain modification of the rules regarding the retirement of officials after the age of 55 years.

P & A 24.4.99

Read 26-4-99.

Subd

The Superannuation rules do not call

No. 779
618

Deputy Commr's Office
Shimoga District
18th April 1899.
2/2h

To
The Secretary to the Govern-
ment of Mysore, Genral
and Rev: Depart-
ments.

Sir,

With reference to order of Government delegating to Deputy Commissioners the power to grant extension of period of remaining in service after 55 years, to subordinates in their departments, I have the honour to state that it would be convenient if the Government would see its way ~~to~~ to allow the authority granting the extension power to decline it also without the necessity of sending the

No. 9050-82
P.W.D. 1105-89
10-Feb-1899.

the person concerned for medical
by an order under para 2 of S. 309
examination.— The power to grant
extension seems to carry by implication the power to refuse; but the latter is virtually vested in the Medical officer, as the rule stands at present, unless the special sanction of Govt is obtained —

2. The capacity to continue in Government Service is not always capable of being discovered from the fact that the man has no constitutional malady or bodily defect. In some cases, opportunity has to be taken to get rid of grossly inefficient men, inefficient either, on account of old age, failing memory, weak sight, or of want of ability to cope with

the

the work done by causes independent of age. For example, a person in a Taluk has to be strong enough to go about from village to village on urgent errands; and the standard of physical fitness to be exacted in his case should be higher than in the case of a gumasta doing sedentary work. In the latter case again, circumstances such as failing memory, weak sight &c, have to be specially taken account of. Naturally enough, Medical officers do not generally pay attention to such considerations of special fitness in each case submitted to them.

3. In dealing with such cases last year, persons who were above 5'5" and who appeared

appeared to be unfit were required to produce a certificate of physical fitness. Such of them as failed to do so were made to retire from the service on pension or gratuity. These have been regarded as having retired at their own choice under Section 311 of the Civil Service Regulations. It would simplify matters a great deal and save controversy, if it is ruled that after 55, a certificate of physical unfitness should be produced or the Deputy Commissioner or other head of a Department should record an opinion that the applicant is, for other reasons, unfit for further Service.

I have the honour to be,
Sir,
Your most obedient servant,

H. Manjunday Rao

Deputy Commissioner,
Shimoga District

BRK

Read:-

Govt Orders no. 9050-82 & A. 1105 dated 10th February 1897, delegating to the Heads of Depts and other Officers named therein the power specified in clause(1) of Article 309 of the Mysore Service Regulations. ⊗

(2) Letter no. 779/618 dated 18th April 1899 from the Deputy Comr. Shimoga ~~of~~ suggesting the desirability of leaving it to the discretion of the Officers named in the Proceedings read above, to grant or refuse extension of service to subordinates in their Depts after their 55th year without the necessity of sending them for examination before a medical Officer

⊗ re the retention in service of officials who attained the age of 55 years.

that as the power to permit subordinates to remain in the service after they have attained 55 years has been delegated to the officers named in Govt Order No. 9050-82 & A. 1105 of the 10th Feb. 97, it would be convenient if the latter were also vested with the discretion to

Order

13

No 13118-153 / Rm 1104 of 17-5-99

Order thereon:—

It is observed that no ~~It is observed that~~ ~~No~~ medical certificate is necessary in the case of an official superannuated under the 55 years' rule. ~~In the case of such an Official~~ the Head of the Department concerned is satisfied that any such official is inefficient and that his further retention in the service is undesirable, he has simply to report the cause of his unfitness for further service and obtain the orders of Govt for his retirement ~~from service~~. No modification of the existing orders appears called for.

d 15/5/99

Sec'y.

Off'g Secretary

To

Leg 13/5/99

~~All Heads of Departments~~

The Deputy Commissioners of Districts.

15/5.

3

Proceedings of the Government of Mysore, General, dated 17th May 1899.

READ—

Letter No. 779—618, dated 18th April 1899, from the Deputy Commissioner, Shimoga district, suggesting that, as the power to permit subordinates to remain in the service after they have attained 55 years of age has been delegated to the officers named in Government Proceedings No. 9050-82—P. & A. 1105, dated the 10th February 1897, it would be convenient if the latter were also vested with the discretion to refuse to grant such extension of service without the necessity of sending the subordinates in question for examination before a Medical Officer.

No. 13118-156—P. & A. 1104, DATED BANGALORE, 17TH MAY 1899.

ORDER THEREON.—It is observed that no medical certificate is necessary in the case of an official superannuated under the 55 years' rule. If the Head of the Department concerned is satisfied that any such official is inefficient and that his further retention in the service is undesirable, he has simply to report the cause of his unfitness for further service and obtain the orders of Government for his retirement. No modification of the existing orders appears called for.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—All Heads of Departments.
The Deputy Commissioners of Districts.

Exd.—C.S.

1898-99

GOVERNMENT OF MYSORE

GENERAL

PROCEEDINGS

Dated 17th May 1899

No. 13118-156
P.&A. 1104

Observing that no medical certificate is necessary in the case of an official superannuated under the 55 years' rule.

SBP—19-5-99—300

Pta 760

5108
2. xii. 99

1899

MYSORE P. W. DEPARTMENT.

No. 6073

S.A 18-96-2

Gen 166-96-2

From

The Chief Engineer of Mysore,
Bangalore.

To

The Secretary to the Govt
of Mysore Genl & Revenue Depts

Dated Bangalore 30/11/99

Despatched

Enclosure No. Nil.

SUBJECT.

Enquiring what decision has been come to in re- the practice of getting Officials who have attained the age of 55 years, examined by the Doctor before Granting Extension of Service

Recd 5-12-99.

Submitted for orders

To Accounts Records for case. Compliance.

MYSORE P. W. DEPARTMENT,

CENTRAL OFFICE,

No. [illegible]

Bangalore. 30th November 1897

From

The Chief Engineer of Mysore,
Bangalore.

To

The Secretary to the Govt of Mysore
General & Revenue Depts.

SIR,

I have the honor to forward the enclosed × Note dated 7th January '95, regarding the practice of getting Officials who have attained the age of 55 Years, examined by the Doctor, before granting extension of Service; and with reference to the Dewan's Orders thereon, stating that the matter is under consideration in the General Department, to enquire what decision has been come to in this matter.

× in original blue obliging if returned

I have the honor to be,
Sir
Your most obedt Servt

J. Pepham Colonel
Chief Engineer of Mysore

18.

23-5-99

Copy of ———

Enclosure to letter No. 6073, dated 30. 11. 99, from the Chief Engineer in Mysore to the Secty. to Govt. of Mysore in the Genl. & Rev. Depth.

———

Mysore P.W. Dept.

To the Dewan of Mysore
for Orders.

—

I put up Comptroller's letter No. 972/335, dated 12th August 198, addressed to the Examiner, P.W. Accts., stating "that no "medical certificate "is necessary nor do the "Civil Service Regulations "British & Mysore, require "such to be produced, "for officers retained in "Service after attaining "the age of 55 years."

It has hitherto been the practice in this Dept:, to have all officers and officials recommended to

to the Chief Engineer for retention in Service after attaining the age of 55 years,- examined by the Doctor to ascertain their physical fitness for further Service, and if the result of such examination was favorable, to obtain Govt. Sanction to the Extension of time recommended in the Medical report. But this practice will be discontinued, as it does not obtain in the Civil Dept., and is not warranted by the rules in force, as now pointed out by the Comptroller.

III. Under Govt.

Proc

Proc. No. CO 651-84/PRA. 1284, dated the 27th March/97, I have the power of sanctioning the retention in Service of officials whose appointment rests with me, viz., Office heads and Lower Subordinates. Such sanction will be accorded on the declaration of the Ex. Engrs., who are in a position to ascertain the the efficiency of these officials.

IV. For the retention of other Officers, viz., Upper Subordinates, Engineers and Superior Officers of the Accounts Branch, the sanction of Govt. is necessary under Article 307(a) of the Mysore Service Regulations; but

but as the old arrange-
ment of getting the Doctor
to certify as to efficiency,
now ceases, it has to
be decided as to who is
to declare efficiency in
future, in the case of
these Officers. This cannot
possibly be done by
the Chief Engineer, for
Upper Subs., & Engineers,
up to the rank of Asst.
Engr., as he seldom sees
them & has no direct
dealings with them. I
wd. therefore suggest that
the declaration of Subg.
Engrs., for such Officers
be accepted, leaving
only Ex. Engrs. and the
Superior Officers of the
Accounts Branch to
be declared by the
Chief

Chief Engineer.

(Sd.) D. M. C. Campbell, Colonel,
Secty. to the Govt. of Mysore,
P.W.D.
7/1/99.

"I don't quite approve
of the Comptroller's dictum
The matter is under con-
sideration in the Genl.
Dept., and for the present
at any rate I will not
alter the D.P.W. practice
of Med. Examn.

(Initialled) M.S.
23/5/99.

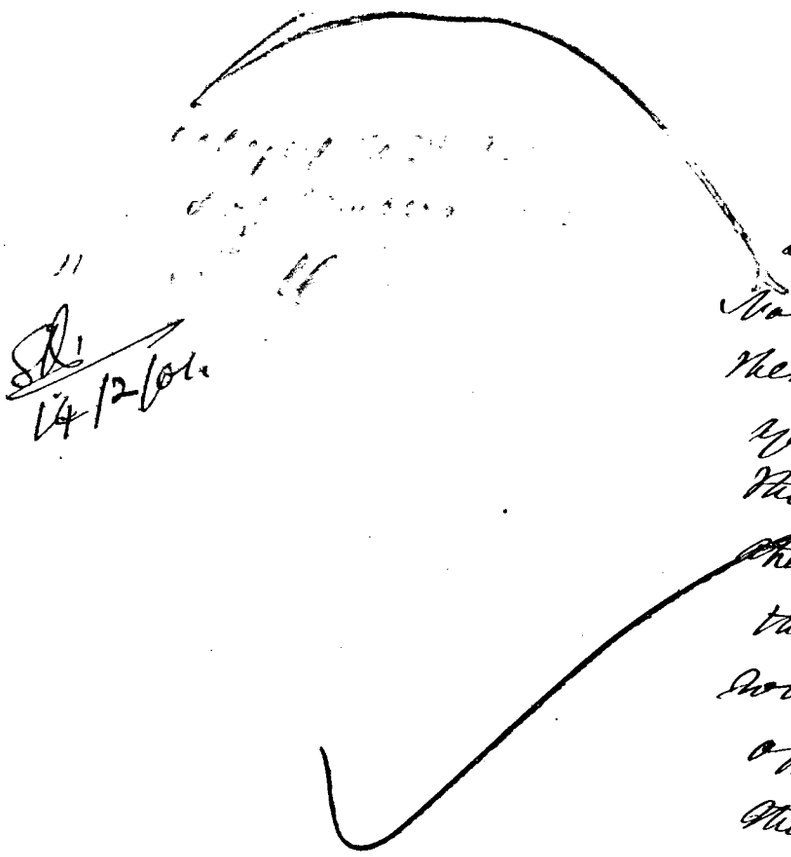
Copy. [illegible]

4 24.

S+A 18-96-4

10551
D 1016 D/ 15/2/1901.
20

The Chief Engineer
Mr Mayson.



14/2/01.

In reference to the D.N.W. Note with the Memorandum thereon received with your letter No 6073 of the 30th Nov/99, has the honor to state that the question of how & when to superannuate officers is still under the consideration of Govt and that no decision has as yet been come to & that the existing rules have to be acted upon under which they are D/ 7/01 authoritatively altered or modified.

Extract from P. W. Secretary's Memo dated 14th February 1900, submitted to the Dewan for orders.

---

* * * *

I take this opportunity to suggest that the power of retiring minor officials of the P. W. Dept. such as members of office and Lower Subordinate Establishments be vested in the P. W. Secretary. This will save reference to Govt. in each case and will prevent the delay that must otherwise occur in dealing with applications for pensions for such officials.

Dewan's order thereon.

"Office — Make an extract of this and place it with the new

Rule now before the Council.

17 - 5 - 1900

Sec. A 18-a-6-5

~~Gen 101-96-3~~

Ptd. 1239

1092

9428

01 1900

MYSORE P.W. DEPARTMENT.

No. 934

Ruled to Offg Dewan.

The Comptroller's decision is in accordance with the General Regulations which must be followed until the Rules are altered. The Memorial in the D.S.W. seems however different medical certificates being demanded from officers & other persons who have attained the age of 55 instead of the efficiency or otherwise of the men being decided upon by the Officer Superior Concerned and in addition Fee of Rs. for the continuance of the practice doubled the Comptroller's decision. Hence the present enquiry as answer from Commissioner that the Rules should be adhered up to until altered.

16/2/07

The Comptr's decision is brought under 3/3/07. with the result Rules shall be followed 5/3/01 till the Rules are altered

Dropped 6/3/1907

Sec. 7/3

From Chief Engineer

THE ~~SECRETARY TO THE~~ Govt. OF MYSORE.

To The Secretary to Government of Mysore, General and Revenue Departments.

Dated Bangalore, 21st February 1901

Despatched

Enclosure No.

SUBJECT.

Requesting to state what are the existing rules re Medical Certificate to be produced by Officers retained in Service after attaining the age of 55 years.

P.A.

25.2.01

Reference herein

BB

26/2/01.

Recd 28/2/01 Submitted

1/3/00.

1/3/01

MYSORE P. W. DEPARTMENT.

No. 934 BANGALORE, 21st Feby: 1907

From Chief Engineer
THE ~~SECRETARY TO THE GOVT.~~ OF MYSORE,
P. W. DEPARTMENT.

To The Secretary to the Government of Mysore, General and Revenue departments.

Sir,

With reference to your ho: 10551 / P & A. No. 1016 of the 15th instant, stating that the question of how and when to superannuate officers is still under the consideration of Government, and that the existing rules have to be acted up to until they are authoritatively altered or modified, - I have the honor to request that you will be good enough to inform me what are the "existing rules" referred to by you. As pointed out by the Comptroller, the Mysore Service Regulations do not require medical certificate to be produced by officers retained in service after attaining the age of 55 years, - but Sir K. Seshadri Iyer did not quite approve of the Comptroller's dictum, - and

and stated that pending decision in this matter, which is under consideration in General Department, he would not alter the D. P. V. practice of Medical Examination. It is not clear from the docket under reference, which of the above procedure is to be follow

I have the honor to b
Sir
Your most obedient

To
Lieutenant Colone
Chief Engine
Mysore

R & d: a.p.l.

28

1901

Read:-

Correspondence ending with letter No. 934 of 21st Feby 1901 from the Chief Engineer in Mysore re the production of Medical certificates by officers and officials retained in service after attaining the age of 55 years.

Order thereon: 12/72-73 D/ 13/3/1901
Para 1175

Vide brought to notice that the Superintendent of Mysore has pointed out that the Mysore Service Regulations do not require Medical certificate to be produced by officers ~~and officials~~ retained in service after attaining the age of 55 years and the practice in the P. W. D is however different, Medical certificates being demanded from officers and officials

S+A 10-9-1-b

C 10-9-1-b

G of S. are of opinion that the practice in the D. P. W. as in other Depts of the State should be in accordance with the existing Rules which require Medical certificates may accordingly be dispensed with

who have attain
age of 55 instea
the efficiency a
wise of the men
decided upon
official supervis
-cerned. Incre
obtain uniform
of procedure in
the departments
are pleased to
that the Emplo
bietum being
accordance with
existing Rules, it
be followed also
P. W. dept. till
Rules are alter

Yours
for Secretary

MM 9/3/07

To The Chief Engr in Mysore
The Compt for info.

in two cases. I
officers & official
who have attain
the age of 55,
their fitness or other
- wise for further
retention in service
being a matter for
decision by their
official superiors

C
10/3/07.

Draft submitted herewith for appl.

Now that the practice hitherto obtaining in the D. P.W. is the change the Chief Engr- may agin write for orders on the question raised in para IV of his note 87.1.1958 unless the necessary addition is made to this draft. (Copy of the note will be found below)

9/3/58

P & A 1609

12766
3-5-1901.

MYSORE P. W. DEPARTMENT.

S & A 18-96-7

Gen 106-96-5

From

THE SECRETARY TO THE
GOVT. OF MYSORE.

To

The Secretary to the Govt. of Mysore Genl. & Rev: Depts.

Dated Bangalore, 1st: May 1901

Despatched 262

No. 2428

Enclosure No. 3

SUBJECT.

Forwarding certain representations re medical certificates in the case of officers & officials who have attained the age of 56, for dismissal.

P & A
3-5-01
Rejected

Linked with a note
15/5/01

Recd. 6/5/01.

262

N 2428

MysoreP.W.D.

Central Office

Bangalore 1st: May 1901.

From

The Secre tary to the Govt: of Mysore

To

The Secretary to the Govt: of Mysore

General and Revenue Departments

Sir,

With reference to Govt: Prs: No: 13172/3 P&A 1175 of the 13th: March last, ruling that Medical certificates may be dispensed with in the case of officers and officials who have attained the age of 55, their fitness or otherwise for further retention in service being a matter for decision by their official superiors, I have the honor to transfer the marginally noted papers, for favor of disposal of Dewan's orders d/ 11-4-1901, as the question therein raised is a general one and connected with the order recently issued by Government in the above quoted Proceedings.

I have the honor to be,

Sir,

Your most obedient servant,

Offg: Secretary to the Govt:

of Mysore P.W.D.

Comptroller's letter No: 972/335 d/ 12-8-98

This office note to the DEwan 7-1-99

Do —— Do —— d/ 27-3-1901

(To be obligingly returned)

No. 972/335

Office of the Comptroller of Mysore
Bangalore 12/15th August 1898

From

E. R. Soobrayer Esquire
Comptroller of Mysore.

- P & A
3-5-01.

To,

The Examiner, P.W. accounts
of Mysore.

Sir,

With reference to your letter No. 4111 dated 6th August 1898, I have the honour to state that no medical certificate is necessary nor do the Civil Service Regulations British and Mysore require such to be produced for officers retained in the Service after attaining the age of 55.

I have the honor to be
Sir
Your most obedient Servant
(Sd) E. R. Soobrayer
Comptroller

No. 20

Copy of the above is forwarded to the Secretary to the Govt. of Mysore P.W. Dept. for information.

(Sd) St. John Bucher
Examiner P.W. & Ryacchi
of Mysore.

Bangalore
3/1/99.

a.p.s.

ACCOUNTANT P.W. ACCOUNTS
No
1-3 JUN 1899
MYSORE

done by the Chief Engineer, for upper Subs, & Engineers up to rank of Asst Engineer, as he seldom sees them & has no direct dealings with them. I wd, however, suggest that the declaration of Supy. Engrs. for such officers, be accepted, leaving out Ex. Engrs and the Superior officers of the Accounts Branch to be declared by the Chief Engineer.

Jas. Campbell, Colonel
Secy. to Govt. of Mysore. Pol.
7/6/99.

The matter [illegible]
Cons [illegible]
and to [illegible]
[illegible]
after the [illegible]

2nd/7

Sept 1899 E
For 105-95-6

8

Nesse No 6073

MYSORE P. W. DEPT.

TO THE DEWAN OF MYSORE
for Orders.

I put up Comptroller's letter No. 972/335 dated 12th Augt 98, addressed to the Examiner, P. W. Accts, stating "that no "medical certificate is necessary "nor do the Civil Service Regulations, British & Mysore, require "such to be produced, "for Officers retained in Service "after attaining the age of 55 "years."

It has hitherto been the practice in this Dept to have all officers & officials recommended by the Chief Engr to the Chief Engr for retention in service after attaining the age of 55 years; examined by the Doctor to ascertain their physical fitness for further service, and if the result of such examination was favorable, to obtain Govt sanction to the extension of time recommended in the medical report. But this practice will be discontinued, as it

it does not obtain in the Dept, and is not warranted by the rules in force, as pointed out by the Comptroller.

III Under Govt Pro no 10651-84 dated 27th March 1984 PdA 12Pm I have the power of sanctioning the retention in service of officers whose appointments rests with me, my office hands and some Subordinates. Such sanction will be accorded on the declaration of Hy. Supts. who are in a position to ascertain the efficiency of these officials.

IV. For the retention of other officers, viz Upper Subordinates, Inspectors and Superior officers of the Accounts Branch, the sanction of Govt is necessary under article 307(a) of the Kenya Service Regulations; but as the old arrangement of getting the Doctor to certify as to efficiency, now ceases, it has to be decided as to who is to declare efficiency in future in the case of these officers. This cannot possibly be done

~~Genl 96-7~~

C & A 18-96-9

MYSORE P. W. DEPT.

TO THE DEWAN OF MYSORE

FOR ORDERS.

In enclosed Proc: N.: 13172-3 / 1175- dated 13th instant, Govt having decided that medical certificates may be dispensed with in the cases of officers and officials who have attained the age of 55 years, their fitness or otherwise for further retention in service being a matter for decision by their official superiors, - I now resubmit my note of 7th January 1899, for approval of the suggestion made in the concluding para thereof, viz that the Declaration of Supdg Engineers, as to the efficiency of Upper Subordinates & officers up to the rank of Asst Engrs, be accepted, leaving only Exv. Engrs to be declared by the Chief Engineer.

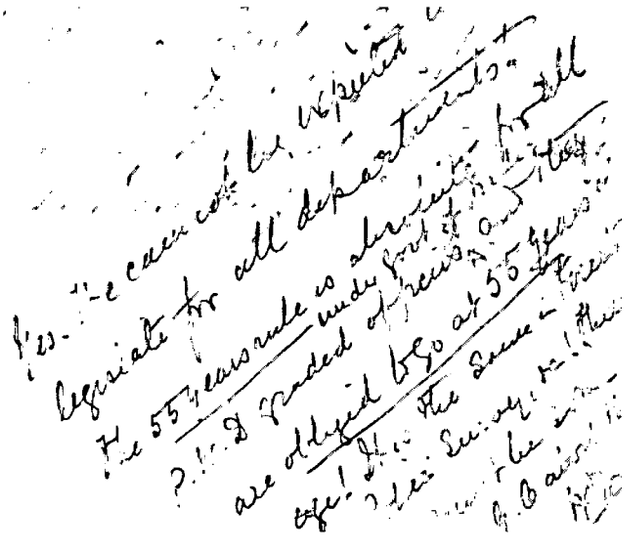
J. McN. Campbell Colonel
Secy to Govt, Mysore, P.W.D.
27/3/0.

Requisitions
Advertising to
extend the system
of Medl examn to other
depts & not to abolish
it in the P.W.D. -
Retirements after
55 years of age.
Pensions &c
also were then.
Before taking further
action I shall be
glad to know if it
is ascertainable
the rules & the
practice in other
depts in India. If enquiry
a reference may be
made to Resident

MMS
11/4/07

Asst Secy.
The Rules & Procedure in
British India are all given in
the Code I should think? It is
more a question for Accountant &
Comptroller?

12.4.07



1901. 36

S: & 18-9 b-10

To

The 1st Asst to the Resident
in Mysore

Dated 31st May 01.

15948

Sir, Pol 587
15948

I am directed to request that you may be so good as to favor the Durbar with information concerning the practice obtaining in the various depts of the public service in British India in the following matter:-

The Service Rules both here and in the British India Service lay down that an offr may be retired after 55 if unfit for further service; and raise the presumption

of actual unfitness
on attaining 60 years
of age. But the Rules
are silent on the method
by which such fitness
or unfitness should be
ascertained.

It has been the practice
here in the P. W. Deptt
only to subject all officials
after 55 to Medical
Examination, but in
other departments, no
uniform rule is observed,
Medical Examination
being usually made
if the head of the Deptts.
in which the official
is employed considers
the man apparently
unfit to be retained.

As the subject of
introducing a uniform
rule for the matter is
under consideration, the
procedure followed in

British India would
be a valuable guide;
and I am asked to say
that the Dewan would
be greatly obliged if
the rules followed are
kindly made known
at your early convenience

Thanks &c.

DOL 30/5/1917
Secretary

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28-V-17

P.S.
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No. 2884

FROM C.L.S. Russell Esquire, I.C.S.
~~THE~~ FIRST ASSISTANT TO THE RESIDENT
IN MYSORE.

To

The Dowan of Mysore.

Dated Bangalore, 12th June 1907.

SIR,

I am directed to reply to your Secretary's letter No.15948/Pol.587 dated the 31st May 1901, requesting to be informed of the rules followed in British India under which fitness or otherwise of officers who have attained the age of 55 years but not 60 years is ascertained.

2. Fitness or unfitness of the officers referred to, forms, as far as the Officiating Resident is aware, the subject of special report in each case, and medical examination is resorted to at the discretion of the Head of the department of the official in question. Article 503 of the Civil Service Regulations and the rulings quoted therein show the principles observed in British India.

I have the honor to be,
Sir,
Your most obedient servant,

C. Russell.
First Assistant Resident.

BRITISH [illegible] SERVICE REGULATIONS.

Article 503. ( ) [illegible] superior service, who has attained the a[illegible] required to retire, unless the LOCAL GOVERN[illegible] inefficient, and permits him to remain in [illegible] permanent retirement of an efficient o[illegible] charge on the State, this Rule should [illegible] .. And in cases in which the rule is en[illegible] the reasons for enforcing it shall be pl[illegible] LOCAL GOVERNMENT or other competent auth[illegible] ..

1. "I trust [illegible] Governments and Administrations will always [illegible] extend to this Rule a very liberal interpretation, [illegible] the State may, in no case, be deprived of the valuable experience of really efficient Native Officers by the untimely exercise of the powers of compulsory retirement on pension." (Secretary of State, No.67, dated 8th August 1872.)

(b) These orders apply to all officers in superior service without reference to their nationality. If an officer is efficient after attaining the age of 55 years, his retention in the service is not barred by the accident of his being of other than purely native birth, and although the despatch of the Secretary of State mentions Native officers only, it has a much wider application, and should be held applicable to all officers in superior service, whether Natives or Europeans.

(c) The following rulings should be kept carefully in view in applying the rules regarding compulsory retirement:-

(1) ÷ ÷ "A Covenanted Civilian or an officer of the Army in civil employ, is obliged to retire after a certain period of service, unless it is injurious to the public interest that he should do so; but an Uncovenanted officer in a superior grade, who has attained the age of fifty-five years, may be required to retire, unless the Local Government considers him efficient, and permits him to remain in the service. There is thus a clear distinction between the two classes of officers; for the former class is required, as a rule, to retire; while the latter is re-quired, as a rule, to be retained, the result, in both cases alike, being decided by what is most expedient in the public interests.

The Government of India think it unnecessary to add to these Rules; but in the case of officers holding appointments open to the Covenanted Service, the standard of efficiency by which the retention of such officers is to be decided may reasonably be raised above the standard required in lower appointments." (Home Department, to Bengal, No.524, dated 31st March 1876.)

(2) "As some misapprehension appears to exist ÷ ÷ on the subject of the Rule regarding the Compulsory Retirement of Uncovenanted officers after the age of fifty-five years, His Honour the President in Council thinks it desirable to state that not only does Article 503 of these Regulations not require the compulsory retirement of an efficient officer of whatever age, but that, though the Articleauthorises the Local Authorities, at their discretion, to presume that an officer is i effi-cient at fifty-five years of age conditionally, and at sixty years of age absolutely, yet the whole tenor of the rules is that such presumption shall be exercised with careful consideration, both for the individual who would suffer by being deprived of his appointment while capable of discharging [illegible]

...suffer
...t e Pension
...or 1877.)

...) ... CONT...

...(...). After ...,counting from
...ot,except for
...ry of State,
...; Provided that
...five years,
...Government
...has held it
...includes an

( ) The ... to in this
... officer first
...arily,provided
...to his sub-
... is not inter-
temporary
...ment.

...- (The term "... " ... this article does
... Government of India, but ... of such an office
... subject to the control ... in Article 628).